

1 EILEEN M. DECKER
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
BRANDON D. FOX (Cal. Bar No. 290409)
4 Assistant United States Attorney
Chief, Public Corruption and Civil Rights Section
5 LIZABETH A. RHODES (Cal. Bar No. 155299)
Assistant United States Attorney
6 Chief, General Crimes Section
EDDIE A. JAUREGUI (Cal. Bar No. 297986)
7 Assistant United States Attorney
General Crimes Section
8 1500 United States Courthouse
312 North Spring Street
9 Los Angeles, CA 90012
Telephone: (213) 894-0284/3541/4849
10 E-mail: Brandon.Fox@usdoj.gov
Elizabeth.Rhodes@usdoj.gov
11 Eddie.Jauregui@usdoj.gov

12 Attorneys for Plaintiff
UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 PAUL TANAKA,

19 Defendant.

No. CR 15-255-PA

(AMENDED)

GOVERNMENT'S TRIAL MEMORANDUM

Trial Date: March 23, 2016

Trial Time: 8:30 p.m.

Location: Courtroom of the
Hon. Percy Anderson

21
22 Plaintiff United States of America, by and through its counsel
23 of record, the United States Attorney for the Central District of
24 California and Assistant United States Attorneys Brandon D. Fox,
25
26
27
28

1 Elizabeth A. Rhodes, and Eddie A. Jauregui, hereby files its Trial
2 Memorandum.

3 Dated: March 16, 2016

Respectfully submitted,

4 EILEEN M. DECKER
5 United States Attorney

6 LAWRENCE S. MIDDLETON
7 Assistant United States Attorney
Chief, Criminal Division

8 /s/

9 BRANDON D. FOX
10 LIZABETH A. RHODES
EDDIE A. JAUREGUI
Assistant United States Attorneys

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

<u>DESCRIPTION</u>	<u>PAGE</u>
TABLE OF AUTHORITIES.....	iii
I. INTRODUCTION.....	1
II. SCHEDULING MATTERS.....	2
A. The Government's Witnesses and Case-in-Chief.....	2
B. Stipulations.....	4
C. Potential Defenses.....	4
III. The Indictment.....	4
IV. STATEMENT OF FACTS.....	5
A. Defendant Had Knowledge Of the Culture of Brutality Within LASD Jails.....	5
1. Defendant learned about problems others in the Department.....	5
2. Outside Entities Make Concerns Public.....	6
B. The Federal Grand Jury Investigation.....	7
C. An Undercover Investigation Is Initiated To Compliment the Grand Jury Investigation.....	7
D. The FBI's Undercover Investigation is Compromised.....	8
E. The Co-conspirators Embark on a Plan to Obstruct the FBI.....	10
F. The LASD Learns About Deputy Michel.....	10
G. The FBI Gets Through to Brown.....	11
1. Brown is Moved Within MCJ; Deputies Are Placed Outside His Cell.....	12
2. The Policy to Keep the FBI away from Brown.....	12
3. A Writ and Further Grand Jury Subpoenas Are Issued.....	14
H. LASD Tampers With Witnesses.....	16
I. Brown No Longer Wishes to Cooperate with the FBI.....	18

TABLE OF CONTENTS (CONTINUED)

<u>DESCRIPTION</u>	<u>PAGE</u>
J. LASD Seeks a Superior Court Order to Obtain FBI Records and Information.....	18
K. LASD Threatens to Arrest FBI Special Agent Leah Marx.....	19
V. LEGAL AND EVIDENTIARY ISSUES.....	21
A. Elements of Offenses.....	21
1. Conspiracy - 18 U.S.C. § 371.....	21
2. Obstruction of the Due Administration of Justice - 18 U.S.C. § 1503(a).....	21
B. Proof of Intent - Dual Purposes.....	22
C. Proof of Grand Jury Investigation.....	22
D. Defendant's Statements.....	23
E. Statements Made by Defendant's Co-Conspirators.....	23
1. Recorded Statements.....	24
2. Emails and Other LASD Documents.....	25
F. Authentication and Identification.....	25
1. Authentication Generally.....	25
2. Originals and Duplicates.....	26
3. Charts and Summaries.....	26
G. Defendant's Expert Disclosure.....	27
VI. CONCLUSION.....	27

TABLE OF AUTHORITIES

<u>DESCRIPTION</u>	<u>PAGE</u>
<u>FEDERAL CASES</u>	
<u>Anderson v. United States,</u> 417 U.S. 211 (1974).....	22
<u>Bourjaily v. United States,</u> 483 U.S. 171 (1987).....	24
<u>Ingram v. United States,</u> 360 U.S. 672 (1959).....	22
<u>Rutherford v. Baca,</u> CV 75-4111-DDP.....	4
<u>United States v. Arias-Villanueva,</u> 998 F.2d 1491 (9th Cir. 1993).....	24
<u>United States v. Barfield,</u> 999 F.2d 1520 (11th Cir. 1993).....	22
<u>United States v. Black,</u> 767 F.2d 1334 (9th Cir. 1985).....	26
<u>United States v. Bridgeforth,</u> 441 F.3d 864 (9th Cir. 2006).....	24
<u>United States v. Castaneda,</u> 16 F.3d 1504 (9th Cir. 1994).....	24
<u>United States v. Chu Kong Yin,</u> 935 F.2d 990 (9th Cir. 1991).....	26
<u>United States v. Coyne,</u> 4 F.3d 100 (2d Cir. 1993).....	22
<u>United States v. Gardner,</u> 611 F.2d 770 (9th Cir. 1980).....	26
<u>United States v. Giese,</u> 597 F.2d 1170 (9th Cir. 1979).....	22
<u>United States v. Houlihan,</u> 92 F.3d 1271 (1st Cir. 1996).....	22
<u>United States v. LaRouche Campaign,</u> 695 F. Supp. 1265 (D. Mass. 1988).....	22
<u>United States v. Macari,</u> 453 F.3d 926 (7th Cir. 2006).....	23

TABLE OF AUTHORITIES (CONTINUED)

<u>DESCRIPTION</u>	<u>PAGE</u>
United States v. Machi, 811 F.2d 991 (7th Cir. 1987).....	22
United States v. Meyers, 847 F.2d 1408 (9th Cir. 1988).....	26
United States v. Pang, 362 F.3d 1187 (9th Cir. 2004).....	26
United States v. Smith, 893 F.2d 1573 (9th Cir. 1990).....	26
United States v. Thomas, 916 F.2d 647 (11th Cir. 1990).....	22
United States v. Williams, 989 F.2d 1061 (9th Cir. 1993).....	23
United States v. Woodward, 149 F.3d 46 (1st Cir. 1998).....	22
<u>FEDERAL STATUTES</u>	
18 U.S.C. § 1503(a).....	1, 4, 21
18 U.S.C. § 371.....	1, 4, 21
<u>FEDERAL RULES</u>	
Fed. R. Evid. 1003.....	26
Fed. R. Evid. 801(d)(2)(E).....	23, 24

1 **I. INTRODUCTION**

2 In approximately January 2005, defendant Paul Tanaka was
3 promoted to the rank of Assistant Sheriff of the Los Angeles County
4 Sheriff's Department ("LASD" or "Department"), becoming a member of
5 the executive team of the largest sheriff's departments in the
6 nation. He would later rise to become the Undersheriff, the number
7 two person in the organization, before retiring in 2013. Throughout
8 his tenure in the upper echelons of the LASD, reports of abuse and
9 brutality by "problem deputies" proliferated. When concerns about
10 illegal acts by deputies were brought to his attention, Tanaka
11 largely ignored them and he rebuffed and rebuked whistleblowers.
12 Tanaka went out of his way to disparage the internal bodies charged
13 with rooting out corruption in his ranks, and ignored outside
14 entities warning that the brutality in the jails had become
15 institutionalized. Instead, he fostered a corrupt culture within the
16 jails and the Department.

17 Given this background, it sadly is not surprising that, after
18 learning of a federal grand jury investigation into excessive use of
19 force and public corruption in the LASD, Tanaka closed ranks and
20 conspired to obstruct the investigation. The conspiracy included
21 hiding an informant from the federal government and grand jury,
22 falsifying records related to the informant, tampering with
23 witnesses, and even threatening to arrest a federal agent who had
24 been carrying out her lawful duties. As a result, defendant is
25 charged with conspiring to obstruct justice, in violation of 18
26 U.S.C. § 371, and endeavoring to obstruct justice, in violation of 18
27 U.S.C. § 1503(a). Defendant is on bond and is the only defendant
28 named in the indictment proceeding to trial.

1 **II. SCHEDULING MATTERS**

2 **A. The Government's Witnesses and Case-in-Chief**

3 Jury trial is set for March 23, 2016 at 8:30 a.m. The
4 government estimates that its case-in chief will last ten court days.
5 The following individuals are all potential witnesses:

6 1. Robert Olmsted, formerly with the Los Angeles County
7 Sheriff's Department;

8 2. John Clark, formerly with the Los Angeles County Sheriff's
9 Department;

10 3. Al Gonzales, formerly with the Los Angeles County Sheriff's
11 Department;

12 4. Dennis Conte, formerly with the Los Angeles County
13 Sheriff's Department;

14 5. Peter Eliasberg, American Civil Liberties Union ("ACLU");

15 6. Pat Maxwell, Los Angeles County Sheriff's Department;

16 7. Steve Roller, formerly with the Los Angeles County
17 Sheriff's Department;

18 8. Steve Martinez, formerly with the Federal Bureau of
19 Investigation;

20 9. Robert Bayes, Los Angeles County Sheriff's Department;

21 10. Mickey Manzo, formerly with the Los Angeles County
22 Sheriff's Department;

23 11. Connie Cervantes, formerly with the Sheriff's Youth
24 Foundation;

25 12. David Dahle, Federal Bureau of Investigation;

26 13. Bobby Lyons, Los Angeles County Sheriff's Department;

27 14. Judy Gerhardt, Los Angeles County Sheriff's Department;
28

1 15. Linda Farrar, former contractor with the United States
2 Marshal's Service;

3 16. Michelle Miller, Los Angeles County Sheriff's Department;

4 17. Gus Academia, Los Angeles County Sheriff's Department;

5 18. Tara Adams, formerly with the Los Angeles County Sheriff's
6 Department;

7 19. Kathy Voyer, formerly with the Los Angeles County Sheriff's
8 Department;

9 20. Ralph Ornelas, formerly with the Los Angeles County
10 Sheriff's Department;

11 21. Michael Bornman, formerly with the Los Angeles County
12 Sheriff's Department;

13 22. Gilbert Michel, formerly with the Los Angeles County
14 Sheriff's Department;

15 23. William David Courson, Los Angeles County Sheriff's
16 Department;

17 24. John Powell, Los Angeles County Sheriff's Department;

18 25. David Betkey, formerly with the Los Angeles County
19 Sheriff's Department;

20 26. William "Tom" Carey, formerly with the Los Angeles County
21 Sheriff's Department;

22 27. John Torribio, Los Angeles County Superior Court;

23 28. Leah Tanner, Federal Bureau of Investigation; and

24 29. Ruben Martinez, formerly of the Los Angeles County
25 Sheriff's Department.¹

26
27 ¹ Although not finalized, Assistant United States Attorney
28 ("AUSA") Mark Childs may be the witness who reads the prior sworn
testimony of the defendant to the jury. Should AUSA Childs be
(footnote cont'd on next page)

1 **B. Stipulations**

2 The parties have entered into the following stipulations:

3 1. The authenticity of various recordings made by co-
4 conspirators, as well as transcripts of those recordings.

5 2. The authenticity of emails obtained from the Los Angeles
6 County Sheriff's Department.

7 3. The authenticity of defendant's previously sworn testimony,
8 as captured in various transcripts.

9 4. The authenticity of phone records for facsimile machines
10 assigned to the United States Marshal's Service in Los Angeles and
11 the facsimile machine used by the Los Angeles County Sheriff's
12 Department's Inmate Reception Center.

13 5. The authenticity of certain publicly filed documents in
14 Rutherford v. Baca, CV 75-4111-DDP as well as certain correspondence
15 between the ACLU and the LASD.

16 **C. Potential Defenses**

17 Defendant has not provided the government with notice of any
18 defense he intends to use at trial. Defendant has, however submitted
19 a jury instruction regarding an advice of counsel defense.

20 **III. The Indictment**

21 Defendant is charged in two counts. Count One charges defendant
22 with conspiring to obstruct justice, in violation of 18 U.S.C. § 371.
23 Count Two charges defendant with obstruction of justice, in violation
24 of 18 U.S.C. § 1503(a). The parties have agreed to a redacted copy
25 of the indictment, which is attached as Exhibit A.

26 _____
27 unavailable, the government will use another AUSA or an FBI Special
28 Agent.

1 **IV. STATEMENT OF FACTS**

2 **A. Defendant Had Knowledge Of the Culture of Brutality Within**
3 **LASD Jails**

4 1. Defendant learned about problems others in the
5 Department

6 In 2005, after becoming Assistant Sheriff, defendant was put in
7 charge of LASD's Custody Division, which included Men's Central Jail
8 ("MCJ"). During this time, a lieutenant at MCJ, Al Gonzales,
9 reported to the MCJ Captain, John Clark, that there were deputy
10 "cliques" and that deputies were writing cookie-cutter force reports,
11 which made it difficult to determine what really happened and whether
12 the force used was justified. Clark, himself, had noticed an
13 increase in the use of force within MCJ. Clark found that trying to
14 deal solely with individual problem deputies was ineffective, so he
15 decided to implement a rotation policy designed to break up the
16 cliques and reduce force. Clark wrote a memorandum outlining his
17 plan and began briefing the deputies.

18 Clark's supervisor, Commander Dennis Conte, presented Clark's
19 memorandum to defendant Tanaka, who looked over it and immediately
20 rejected it. Tanaka called for a meeting of all supervisors at MCJ.
21 Instead of addressing the issues raised in Clark's memorandum, Tanaka
22 announced that he had concerns about the leadership of MCJ and stated
23 that he was going to bring in his own hand-picked Lieutenants
24 (including Christopher Nee, who would later become Tanaka's aide
25 during the grand jury investigation). Tanaka berated the supervisors
26 for accusing deputies of acting like gang members and told them that
27 the current deputies were part of the "Y" generation that needed to
28 be "coddled." Tanaka told the supervisors to "stay off the floors

1 and let the deputies do what they need to do and the job would get
2 done."

3 Defendant Tanaka decided to transfer Clark from MCJ. In telling
4 then-Captain Robert Olmsted that he would taking over for Clark at
5 MCJ, defendant told Olmsted that deputy force was an issue at the
6 jail. Nonetheless, in 2010, when then-Commander Olmsted tried to
7 bring matters of deputy cliques and force issues to Tanaka's
8 attention, Tanaka rebuffed Olmsted's requests for a change.

9 Tanaka's outbursts and desire not to discipline deputies was not
10 limited to this one event or even to the jails. For example, in 2007
11 the Captain of the Century Station attended a meeting called by
12 Tanaka where Tanaka talked about deputies' need to work in the gray
13 area and how supervisors should not seek to open disciplinary
14 investigations on deputies. Tanaka went so far as to say that if a
15 Captain was found to be "putting cases" on deputies, Tanaka would
16 "put a case" on that Captain.

17 2. Outside Entities Make Concerns Public

18 In addition to insiders informing the Department that there were
19 problem deputies and excessive force concerns going on within the Los
20 Angeles County jails, outside agencies such as the ACLU were
21 publishing findings regarding the culture of violence that was
22 growing within the jails. The ACLU wrote that some of the most
23 troubling complaints it received from inmates "involved allegations
24 of pervasive physical abuse and violence." The reports were similar
25 to what the supervisors had reported earlier: certain deputies acted
26 like their own "gang." Rather than seek to change things, the LASD
27 publicly dismissed the inmate allegations as stretched and strained.

1 In 2011, when an ACLU monitor witnessed deputies assault an
2 inmate, the Department's spokesperson publicly attacked the monitor's
3 credibility.

4 **B. The Federal Grand Jury Investigation**

5 It was against this backdrop that in July 2010, the Federal
6 Bureau of Investigation ("FBI") began an investigation into alleged
7 civil rights abuses by members of the LASD within the county jails.
8 As part of its investigation, the FBI interviewed many inmates who
9 reported widespread civil rights abuses. However, other than
10 speaking with other inmates, federal investigators had no way of
11 verifying the alleged abuses, as they did not have access to either
12 LASD deputies or documents. In the summer of 2011, the federal
13 investigators began to utilize the grand jury as a way to investigate
14 the conduct and acquire this evidence. Between June 24, 2011 and
15 August 5, 2011, the FBI served four grand jury subpoenas on LASD.

16 **C. An Undercover Investigation Is Initiated To Compliment the
17 Grand Jury Investigation**

18 One of the inmates the FBI had interviewed, Anthony Brown, told
19 agents that not only were LASD deputies committing civil rights
20 violations, they were also smuggling, or offering to smuggle,
21 contraband into the jails in exchange for bribes. Brown also told
22 the FBI that he had identified a deputy who was willing to give him a
23 cell phone in exchange for a bribe. Thereafter, the FBI conducted an
24 undercover investigation into those allegations.

25 The FBI undercover operation ultimately led agents to LASD
26 Deputy Gilbert Michel, who agreed to take a bribe from an undercover
27 agent posing as a friend of Anthony Brown. In exchange for the
28

1 bribe, Michel agreed to give Brown a cell phone and ultimately did
2 smuggle a phone into Brown at MCJ.

3 **D. The FBI's Undercover Investigation is Compromised**

4 On August 8, 2011, shortly after Deputy Michel gave Brown the
5 phone, members of the LASD found the phone in Brown's possession. A
6 detective, Robert Bayes, was assigned to investigate the incident,
7 focusing Brown's crime: possession of a cell phone while in custody,
8 a misdemeanor. On August 16, 2011, Bayes interviewed Brown. Brown
9 told Bayes that he had received the cell phone from a deputy, but
10 refused to give Bayes the deputy's name.

11 Meanwhile, deputies in LASD's Operation Safe Jail Unit ("OSJ")
12 learned that, prior to obtaining the phone, Brown had used LASD's
13 recorded inmate phone system to communicate with an unidentified
14 woman about when he would receive his phone. These deputies asked an
15 FBI analyst to research the telephone number Brown had called. The
16 analyst informed an OSJ deputy that the number belonged to an FBI
17 civil rights investigator.

18 In this way, the FBI also learned that its undercover
19 investigation had been compromised. Steven Martinez, the Assistant
20 Director in Charge ("ADIC") of the FBI, contacted then-Sheriff Leroy
21 Baca to inform him that the phone found inside Men's Central Jail was
22 part of an FBI undercover investigation into civil rights violations
23 and corruption in the county jails.² Immediately after Martinez's
24

25 ² Martinez and Baca would speak again on August 20, 2011, after
26 the co-conspirators met, and then on August 25, 2011, when Martinez
27 called to inform Baca that the FBI had interviewed Michel. However,
28 when Martinez attempted to reach Baca on August 25 by email, Baca's
aide forwarded Martinez's e-mail to Tanaka's aide with the message:
"Ester told me to refer all FBI inquiries to Mr. Tanaka, so here you
go." Tanaka never reached out to Martinez.

1 call to Baca, Baca phoned defendant Tanaka. After that call,
2 numerous late night emails were exchanged between Christopher Nee
3 (Tanaka's aide), Greg Thompson (an OSJ lieutenant), Captain Tom Carey
4 (head of LASD's Internal Criminal Investigations Bureau ("ICIB")),
5 and an Internal Affairs Bureau ("IAB") lieutenant to coordinate a
6 meeting for the next day.³ From that point on, what had been treated
7 as an ordinary matter suddenly became urgent.

8 On August 19, 2011, before 8:00 a.m., Thompson ordered two
9 deputies, Mickey Manzo and Gerard Smith, to record and interview
10 Brown so that Thompson could brief the LASD executives. Smith and
11 Manzo began their interview of Brown just after 8:00 a.m. During the
12 interview, Smith asked Brown if he had ever had any run-ins with the
13 deputies or had experienced any civil rights violations. Smith
14 informed Brown that he knew Brown was "working with the Feds." Smith
15 told Brown that the "Feds" walked around the jails like they owned
16 "us." Smith stated, "We cleaned our house the last time," and
17 "[T]his is my house . . . I want to know how long they've been here."
18 Near the end of the interview, Manzo revealed the reason for the
19 interview: he just needed to know about the phone calls because of a
20 "meeting with very influential people in our Department"
21 Smith then filled Manzo in on what the interview had yielded. Smith
22 said "the Feds are here, they're doing investigations. I'm assuming
23 that they've either watched or set up transactions [bribes] . . . on
24 the outside, watched them go down with a deputy and then it [the
25 cellular phone] got brought to him [Brown]." Brown confirmed that
26 this was accurate.

27
28 ³ Both ICIB and IAB were under the Office of the Undersheriff.

1 **E. The Co-conspirators Embark on a Plan to Obstruct the FBI**

2 That afternoon, August 19, 2011, the co-conspirators met: Smith,
3 Manzo, Thompson, Carey, Baca, and Tanaka. Thompson briefed the group
4 about what Brown had told Smith and Manzo, specifically that Brown
5 was an informant for the FBI in a civil rights investigation. Baca
6 and Tanaka already knew that, based on Steve Martinez's call the
7 night before. Neither Baca nor defendant Tanaka was happy, and Baca
8 stated that Brown was not going anywhere.

9 On August 20, 2011, the co-conspirators met again and were
10 joined by others, including Stephen Leavins, an ICIB lieutenant.
11 Baca told the assembled group that ADIC Martinez had called and
12 acknowledged that the phone found on Anthony Brown was an FBI phone
13 and stated that the FBI wanted it back. The phone calls between
14 Brown and the FBI were played at this meeting and defendant had an
15 outburst: Tanaka stood up abruptly causing his chair to slide away,
16 slammed his hands on the table, and said numerous times "fuck the
17 FBI." Baca then put Tanaka in charge of everything having to do with
18 the phone or the FBI.

19 Thereafter, Baca and defendant left the meeting. Tanaka
20 returned alone, reiterated that he was in control, and told the
21 others that the FBI was not to be given access to Anthony Brown.
22 Tanaka then emphasized that this was one of the most important
23 investigations in the Department's 160 year history.

24 **F. The LASD Learns About Deputy Michel**

25 On August 21, 2011, co-conspirators Leavins, Smith, and Manzo
26 interviewed Brown again, and Brown disclosed that Michel had smuggled
27 him the phone. While Brown exaggerated his relationship with the
28 FBI, and lied about obtaining a previous phone, he did say that he

1 had the phone so he could report what he saw regarding beatings (or
2 civil rights violations) in the jails. Leavins evaluated the
3 situation and told Brown, "the FBI is doing an investigation using
4 you into corruption and other things that are going on in Central
5 Jail. That's not a secret."

6 **G. The FBI Gets Through to Brown**

7 On August 23, 2011, at about 10:40 a.m., FBI agents went to
8 visit Brown at Men's Central Jail. Leavins, Smith, and Manzo were
9 not there. When Leavins arrived at MCJ and was informed that an FBI
10 interview was taking place, he immediately called Carey and had the
11 interview terminated. An LASD sergeant, Wayne Waterman, abruptly
12 entered the room, told the FBI agents that the interview was "over,"
13 and stated that Brown was not to be interviewed. The FBI, in front
14 of the sergeant, informed Brown that the agents would be coming back
15 to get him.

16 Just after 1:00 p.m., Carey, Leavins, Smith, and Manzo, began
17 interviewing Brown. They feigned surprise when Brown told them that
18 the FBI had just been there. Leavins proceeded to ask Brown whether
19 the FBI was going to call Brown testify. After Brown said the FBI
20 had not mentioned Brown needing to testify, Leavins told Brown that
21 his "primary concern" was to keep Brown safe from "all parties
22 involved." Leavins stated that he did not want Brown to "be misled
23 by anybody." Leavins informed Brown that Brown would be moved to a
24 station jail that day so that he could have more privileges and so
25 that he would be safe. While Carey, Leavins, Manzo, and Smith were
26 conducting the interview, Thompson tried to find out how someone let
27 the FBI have access to Brown. Thompson learned that a note had been
28

1 posted that no one was to see Brown without approval of Thompson or
2 another supervisor, but the note apparently did not suffice.

3 After the interview, Smith, Manzo, Thompson, and Carey reported
4 to defendant Tanaka's office where a furious Tanaka berated them for
5 letting the FBI meet with Brown contrary to his orders and Thompson's
6 guarantee that it would not happen. It was in this meeting that the
7 co-conspirators, specifically Carey and Tanaka discussed moving Brown
8 in order to keep him away from the FBI. Brown's safety was not
9 discussed. Defendant Tanaka reiterated that this was one of the most
10 important investigations in the history of the LASD.

11 1. Brown is Moved Within MCJ; Deputies Are Placed Outside
12 His Cell

13 Manzo and Carey returned to MCJ to see where they could move
14 Brown. They decided to move Brown to a medical ward where the LASD
15 treated inmates with infectious diseases. From August 23, 2011 on,
16 OSJ deputies, including Smith and Manzo, would stand guard outside of
17 Brown's cell.

18 2. The Policy to Keep the FBI away from Brown

19 Also on August 24th, while the undercover officers were talking
20 to Brown and another OSJ deputy guarded Brown's door, Manzo drafted a
21 policy codifying Tanaka's August 20th orders to keep the FBI out.

22 Two hours later, Thompson sent an email to Tanaka's assistant.
23 The email asked for "the boss' approval to put this out custody wide.
24 Verbal notification isn't working as well as I thought it would."
25 The email then detailed the policy that in large parroted what Manzo
26 had written:

27 Effective immediately and until further notice, all FBI
28 requests for interviews will be approved by Under-Sheriff

1 Tanaka. If the FBI requests access for any reason to your
2 facility, get the following information:

- 3 ▪ Name and Badge or ID Number
- 4 ▪ Place of Assignment - i.e. Special Problems, Robbery
5 Detail, etc.
- 6 ▪ Contact Phone Number and email address.
- 7 ▪ Inmate name and booking number for who they want to
8 interview.
- 9 ▪ Case Number or type of case being investigated.
- 10 ▪ Future date and time they are available to interview

11 The above information will be documented by the Facility's
12 Mail Control and verified by the Facility's Watch Sergeant
13 and/or Watch Commander. The information will be forwarded,
14 via email, to Lieutenant Greg Thompson, of Custody
15 Investigative Services Unit, for review.

16 Lieutenant Thompson will be responsible for notifying the
17 Undersheriff's office and obtaining approval. Once
18 approved, Lieutenant Thompson will notify the facility and
19 agent of the approved date and time for the interview.

20 Tanaka's assistant responded by asking Thompson to give him a
21 call. A few hours later, Thompson sent an email asking if "Mr.
22 Tanaka [was] going to make the changes on the FBI notice to facility
23 commanders, or will he be satisfied if I remove all reference to him
24 or the executives?" Tanaka's assistant responded that Tanaka "said
25 that you were going to make changes to it."

26 Meanwhile, Thompson, Smith, and Manzo held a meeting with the
27 OSJ deputies who would stand guard outside of Brown's cell. During
28 that meeting, Smith and Manzo explained that the need to guard Brown
was a direct result of finding the cell phone and noted that the
executives were unhappy. To emphasize how unhappy the executives
were, and to convey the antagonistic way in which the executives
viewed the FBI, Manzo Tanaka's as saying "fuck the FBI." After the
meeting, those present received a "Confidential" email from Smith,
who informed the recipients that they were assigned to a "very
important detail" that was "one of the most important investigations"

1 in the history of the LASD. These were words that co-conspirators
2 Manzo and Smith heard from Tanaka on August 20th and 23rd.

3 3. A Writ and Further Grand Jury Subpoenas Are Issued

4 On August 25, 2011, the District Court issued a writ for the
5 testimony of Brown before the federal grand jury on September 7,
6 2011. Phone records reflect that the U.S. Marshals Service had two
7 different facsimile transmissions to LASD that morning.

8 After receiving the writ and additional subpoenas, the co-
9 conspirators took further measures to hide Brown from the federal
10 government. To truly hide Brown in a way that the federal government
11 could not find him, the LASD had to make Brown disappear from the
12 jail. Additionally, the LASD's electronic files had to reflect that
13 Brown was not in custody and there could be no physical record
14 (called a "records jacket") showing that Brown was in LASD's custody.

15 At Thompson's request, a lieutenant and three deputies
16 approached employees at LASD's MCJ's Inmate Records Center ("IRC") at
17 approximately 1:45 p.m. and asked to have Brown "released" from the
18 jail's computer system. The deputy and head records clerk assigned
19 to IRC informed the deputies that they needed a court order to do so.
20 They also explained that even if Brown were released, he would need
21 to be rebooked under an alias, and be electronically fingerprinted
22 using a system called Livescan. The deputies insisted that Brown be
23 removed from the system. The lieutenant informed the clerk that the
24 Captain, the Commander and the Undersheriff (defendant Tanaka) all
25 knew what was happening. When the deputy still balked at the idea,
26 one of the other deputies said to her: "Are you going to say no to
27 Tanaka?" The deputy's answer was yes.

1 Ultimately, the head clerk signed out Brown's records jacket and
2 decided to make the computer system reflect that Brown was released.
3 The IRC deputy again explained to the OSJ deputies that they would
4 need to Livescan Brown under an alias. Despite her protests, the
5 deputies took Brown's physical records jacket and left the inmate
6 records center. Despite multiple subpoenas and an exhaustive search,
7 the original records jacket and its full contents have never been
8 turned over to the United States.

9 According to LASD's databases, Brown's release occurred at
10 1:58 p.m. on August 25, 2011. At 4:30 p.m., Brown was booked under
11 the name "John Rodriguez." The paperwork contained false information
12 about Brown and reflected that Brown had refused to give his social
13 security number or be fingerprinted. This was important because if
14 they had fingerprinted Brown or provided his true SSN, the federal
15 government could have tracked Brown's new aliases.

16 Over the next several days, the members of the conspiracy
17 continued to change Brown's name on a regular basis, input false
18 information, and claim that that Brown refused to provide
19 fingerprints and his social security number. Brown's aliases
20 included "John Rodriguez," "Kevin King," and "Chris Johnson."

21 The LASD took additional measures to interfere with the federal
22 investigation. On August 25, 2011, Thompson emailed LASD captains
23 and operations lieutenants to inform them of a new policy that "all
24 FBI requests for inmate interviews" would have to be approved.
25 Thompson also wrote that all the interviews would have to take place
26 at Men's Central Jail - there could be no interviews at any other
27 locations.

1 On August 26, Thompson communicated with others about what to do
2 if the FBI showed up at Men's Central Jail with a "possible Court
3 Order" demanding Brown's production to the federal government.
4 Thompson and the others decided that they would accept the court
5 order "if forced," but would not release the inmate. Instead, they
6 would have a county attorney "who is on vacation for a month" review
7 the court order before releasing Brown. Thompson agreed to put a
8 note on Brown's cell door. The captain at Men's Central Jail emailed
9 his lieutenants and sergeants:

10 If any federal law enforcement agency comes to MCJ with an
11 inmate removal order, visitation order, or ANY OTHER order
12 of the court you shall:

- 13 - Receive the order and advise the federal officer that
14 before you can proceed, you have to submit the order to
the Department's legal advisor for review. DO NOT
RELEASE THE INMATE OR ALLOW CONTACT.

15 (emphasis in original).

16 The co-conspirators decided that, regardless of Brown's medical
17 condition, they would remove him from Men's Central Jail and take him
18 to a station jail (one that would not have the authority to allow the
19 federal government to interview Brown, based on Thompson's August 25
20 policy). On August 26, 2011, after moving Brown to LASD's San Dimas
21 station jail, LASD sergeants Scott Craig and Maricela Long
22 interviewed Brown again. When Brown informed Craig and Long that the
23 FBI told him they would come back for him the day they were kicked
24 out of MCJ, Long told Brown that the FBI had not come back for him
25 yet.

26 **H. LASD Tampers With Witnesses**

27 While deputies guarded Brown outside of MCJ, on August 30, 2011,
28 Leavins, Craig and Long spoke to Gilbert Michel, the deputy who was

1 the target of the FBI undercover operation regarding the phone at
2 MCJ, and several other MCJ deputies. Tanaka was present at MCJ and
3 receiving briefings about these interviews.

4 After Michel said that the FBI had already contacted him and
5 attempted to have Michel cooperate in the federal investigation,
6 Leavins left the room briefly. After coming back to the room,
7 Leavins told Michel that "it just seems as though you've been to a
8 degree manipulated." Despite the fact that Michel told Leavins,
9 Craig, and Long that the FBI was trying to get information from him
10 about brutality inside the jails, the LASD officers ordered Michel
11 not to talk to the FBI. Craig told Michel that the FBI was
12 threatening and manipulating him:

13
14 it pisses me off . . . we're all part of this Department
15 and we're one big happy dysfunctional family, and fuckin'
16 FBI is gonna come to your house and surprise you at your
17 home and invade the sanctity of your home and come here and
18 talk a gang load of shit to you and threaten you. . . . And
19 then they are gonna fuckin' manipulate you like you're a
20 puppet? I don't think so.

21 After about 90 minutes, Leavins asked whether Michel would mind
22 waiting while he, Craig, and Long went to "discuss some things and
23 figure out what we are going to do next." The interview of Michel
24 resumed at approximately 10:00 a.m. When they returned and Michel
25 said that the FBI was planning on charging Michel, Craig responded,
26 "I call it bullshit I call it threats and they're blackmail
27 and they're . . . it's all bullshit, okay? I think that's exactly
28 what it is."

29 That same day, at 1:25 p.m., co-conspirators Leavins, Craig and
30 Long interviewed a deputy, William David Courson, who had given FBI
31 Special Agent Marx some information on abuse at Men's Central Jail.

1 Craig showed his complete and total disregard for any legal
2 process when he said to Courson:

3 If someone starts threatening you with a subpoena or any
4 other nonsense, I want you to call me right away.

5 * * *

6 [a] Federal Grand Jury Subpoena . . . Some nonsense like
7 that starts, you feel they are trying to intimidate you,
8 bully you, blackmail you, coerce you, you call me and I'll
call him [Leavins] and we will go from there.

9 **I. Brown No Longer Wishes to Cooperate with the FBI**

10 Smith was brought back to Men's Central Jail on September 2,
11 2011, for medical reasons. Because he thought the FBI had taken no
12 steps to find him, Brown felt abandoned. He informed Smith and
13 others that he no longer wanted to cooperate with the FBI. A week
14 later, on September 9, 2011, Brown asked for a lawyer. On September
15 12th, Deputy James Sexton re-booked Brown in LASD's systems under his
16 real name. The same day, the LASD transported Brown to state prison.

17 **J. LASD Seeks a Superior Court Order to Obtain FBI Records and**
18 **Information**

19
20 On September 8, 2011, Craig sought a Superior Court order that
21 would have purportedly compelled the FBI to turn over its records
22 related to the FBI's investigation of the LASD. The order sought FBI
23 investigation records, agents' true identities, locations of
24 additional cellular telephones in the Los Angeles County Jail System,
25 and disclosure of all contraband given to any inmate. When Craig
26 asked Superior Court Judge John Torribio to sign the order, Judge
27 Torribio informed Craig that he would not grant such an order. Judge
28

1 Torribio wrote on the proposed order "Denied - Court has no
2 jurisdiction over any federal agency."

3 **K. LASD Threatens to Arrest FBI Special Agent Leah Marx**

4 Undeterred, the very next day, September 9, 2011, Craig left a
5 voicemail message on an FBI phone he believed belonged to the FBI
6 case agent, Leah Marx.⁴ Craig stated on the message that Special
7 Agent Marx was "named as a suspect" and offered to meet her "as a
8 professional courtesy . . . prior to me signing a declaration in
9 support of an arrest warrant."

10 Meanwhile, LASD began learning more about the extent of the
11 abuse problems at Men's Central Jail. On September 12, 2011, Craig,
12 Long, and Leavins received an email from Carey that attached a "List
13 of ACLU complaints out of CJ [Men's Central Jail]." Carey stated
14 that this would "[p]robably lead us, in part, to where/what the Feds
15 are looking at." Additionally, on September 13, 2011, in an
16 interview with Sergeants Craig and Long, Michel confessed to beating
17 inmates with other deputies. Leavins emailed Carey, "That idiot
18 michel (sic) is confessing to beating handcuffed inmates with other
19 deputies.....not looking good....they are still interviewing
20 him...will advise." Carey took this information to Tanaka.

21 On September 25, 2011, the Los Angeles Times published an
22 article stating that "[f]ederal authorities are investigating
23 allegations of inmate beatings and other misconduct by deputies in
24 Los Angeles County jails, with FBI agents going so far as to sneak a
25 cellphone to an inmate to get reports from inside." Tanaka forwarded
26 a link to this article and another from the Washington Post to Carey

27 ⁴ In providing Craig with the telephone number for Special
28 Agent Marx, Brown switched the last two digits of her phone number.

1 and Leavins. The Washington Post article stated that the U.S.
2 Department of Justice was "boost[ing] activity to police the police."
3 Leavins responded, "I figured that was the motivation." Tanaka
4 replied that the article showed the orders to investigate the LASD
5 was coming "from the top" of the Department of Justice.

6 The next evening, September 26, 2011, Craig and Long approached
7 Special Agent Marx outside her home and recorded the encounter.
8 Special Agent Marx told them that she was "not going to make any
9 statements." Craig then informed Special Agent Marx that she was a
10 "named suspect in a felony complaint" and asked whether she had
11 received his message. Special Agent Marx said that she had not
12 received his message, but she would pass the information along to the
13 Assistant Director in Charge of the FBI. Craig then stated the he
14 was "in the process of swearing out a declaration for an arrest
15 warrant" for her.

16 Shortly thereafter, then-Supervisory Special Agent Carlos Narro
17 and Special Agent Teresa Tambubolon, called Long. Long recorded the
18 call. Narro stated that Special Agent Marx, "indicated to me that
19 you guys indicated to her that there's going to be a warrant for her
20 arrest?" Long responded, "There's going to be." Narro asked Long,
21 "Does the Sheriff know this?" Long replied, "The Sheriff knows this,
22 sir." When Narro asked what the charges would be, Long told him he
23 would "have to speak to the Undersheriff, and that's Mr. Paul
24 Tanaka." Narro asked, "Do you have any idea when the warrant's going
25 to come out?" Long responded, "It could be tomorrow, sir. You're
26 going to have to talk to the Undersheriff." After the call ended,
27 the recording device captured laughter and Long telling Craig,
28 "They're scared. They're like, do you know when . . . the

1 warrant . . .” Craig informed Long, “You’re still rolling.” Long
2 then stopped the recording device.

3 **V. LEGAL AND EVIDENTIARY ISSUES**

4 **A. Elements of Offenses**

5 1. Conspiracy - 18 U.S.C. § 371

6 In order for the defendant to be found guilty of conspiracy, the
7 government must prove beyond a reasonable doubt that: (1) from on or
8 about August 18, 2011 to September 26, 2011, there was an agreement
9 between two or more persons to commit the crime of obstruction of
10 justice; (2) the defendant became a member of the conspiracy knowing
11 its object and intending to help accomplish it; and (3) one of the
12 members of the conspiracy performed at least one overt act for the
13 purpose of carrying out the conspiracy.

14 2. Obstruction of the Due Administration of Justice -
15 18 U.S.C. § 1503(a)

16 In order for the defendant to be found guilty of obstruction of
17 justice, the government must prove each of the following elements
18 beyond a reasonable doubt: (1) the defendant influenced, obstructed,
19 or impeded, or tried to influence, obstruct, or impede a federal
20 grand jury investigation; and (2) the defendant acted corruptly, with
21 knowledge of a pending federal grand jury investigation.

22 As used in Section 1503, “corruptly” means that the act must be
23 done with the purpose of obstructing the due administration of
24 justice. The government does not need to prove that defendant’s
25 conduct had the actual effect of obstruction; however, the government
26 must prove that the defendant’s actions would have had the natural
27 and probable effect of interfering with the pending grand jury
28 investigation.

B. Proof of Intent - Dual Purposes

With both the conspiracy and obstruction of justice charges, the government need not prove that a defendant's sole purpose was to obstruct justice, so long as it proves beyond a reasonable doubt that defendant acted even in part to obstruct justice. Anderson v. United States, 417 U.S. 211, 226 (1974) (If one purpose of conspiracy "whether primary or secondary - be the violation of a federal law, the conspiracy is unlawful under federal law"); Ingram v. United States, 360 U.S. 672, 680 (1959); United States v. Giese, 597 F.2d 1170, 1179 (9th Cir. 1979); United States v. Machi, 811 F.2d 991, 1005 (7th Cir. 1987); United States v. LaRouche Campaign, 695 F. Supp. 1265, 1274 (D. Mass. 1988) (no need to prove "sole purpose was to obstruct justice."); United States v. Woodward, 149 F.3d 46, 70-71 (1st Cir. 1998) (rejecting argument that "conduct must have an exclusively illegal intent" because "conduct may not be subject to the criminal laws if the intent underlying it is exclusively legal") (emphasis in original); United States v. Coyne, 4 F.3d 100, 113 (2d Cir. 1993) (affirming jury instruction that defendant could be convicted if he acted "in part" corruptly). Section 1503 requires proof only that the defendant's conduct was "prompted, at least in part," by the requisite corrupt intent. United States v. Thomas, 916 F.2d 647, 651 (11th Cir. 1990); United States v. Barfield, 999 F.2d 1520, 1524 (11th Cir. 1993); United States v. Houlihan, 92 F.3d 1271, 1279 (1st Cir. 1996) (citing Thomas for this proposition).

C. Proof of Grand Jury Investigation

The government must establish that the investigation being obstructed was a grand jury investigation. The government will prove that defendant had knowledge of the grand jury subpoenas being served

1 on the LASD for records related to deputies under investigation. The
2 government also intends on establishing that the FBI was acting as an
3 arm of the grand jury and, therefore, any obstruction of the FBI's
4 activities was an obstruction of the grand jury investigation. To
5 prove that this was a grand jury investigation, Special Agent David
6 Dahle is expected to testify about the subpoenas that were served in
7 the case, his involvement in the grand jury investigation, how the
8 FBI was gathering records with the intention of presenting the
9 relevant records to the grand jury, and how the FBI was conducting
10 interviews for the purposes of determining who would testify before
11 the grand jury and relating the information learned from these
12 interviews to the grand jury. See United States v. Macari, 453 F.3d
13 926 (7th Cir. 2006). If needed, Special Agent Leah Tanner may also
14 address the same issues.

15 **D. Defendant's Statements**

16 Defendant Tanaka testified before the Grand Jury and at trials
17 of his co-conspirators. These statements are admissible under Rule
18 801(d)(2). The government proposes to have a Trial AUSA read the
19 questions and a "witness" AUSA or FBI agent, with no connection to
20 the case, read the answers from the witness stand.

21 **E. Statements Made by Defendant's Co-Conspirators**

22 Statements made in recorded conversations, emails, and other
23 documents, by defendant's co-conspirators are admissible against
24 defendant if in furtherance of the conspiracy. Fed. R. Evid.
25 801(d)(2)(E). The defendant need not be present at the time of the
26 statement for the statement to be admissible. United States v.
27 Williams, 989 F.2d 1061, 1067 (9th Cir. 1993). For a statement to be
28 admissible under Rule 801(d)(2)(E), the government must establish by

1 a preponderance of the evidence that (1) there was a conspiracy, (2)
2 defendant and the declarant were participants in the conspiracy, and
3 (3) the statement was made by the declarant during and in furtherance
4 of the conspiracy. See Bourjaily v. United States, 483 U.S. 171,
5 175-76 (1987); United States v. Bridgeforth, 441 F.3d 864, 868-69 &
6 n.1 (9th Cir. 2006) (admission of co-conspirator statements does not
7 violate the Confrontation Clause).

8 The contents of a statement itself may be considered, along with
9 independent evidence, in determining whether there is sufficient
10 proof of the existence of the conspiracy and the involvement of the
11 defendant and the declarant in it. See Fed. R. Evid. 801(d)(2)(E);
12 Bourjaily, 483 U.S. at 181; United States v. Castaneda, 16 F.3d 1504,
13 1509 (9th Cir. 1994). Courts have adopted a broad reading of the "in
14 furtherance of" requirement for admission of co-conspirator
15 statements, and have considered the following categories of
16 statements (among others) as having been made "in furtherance of" a
17 conspiracy: (1) statements to induce enlistment or further
18 participation in the conspiracy, (2) statements to keep a
19 coconspirator abreast of a co-conspirator's activity, (3) statements
20 to prompt further action by co-conspirators, (4) statements related
21 to concealment of the conspiracy, (5) statements seeking to control
22 damage to an ongoing conspiracy, and (6) statements to allay fears of
23 a co-conspirator or to reassure members of the conspiracy's continued
24 existence. See United States v. Arias-Villanueva, 998 F.2d 1491,
25 1502 (9th Cir. 1993).

26 1. Recorded Statements

27 Some of defendant Tanaka's co-conspirators, including Leavins,
28 Craig, Long, Smith, and Manzo, made recordings of their interviews of

1 Anthony Brown and others on various dates. In the recordings with
2 Brown, the co-conspirators attempted to further the conspiracy,
3 including by: (a) gathering information from Brown about the federal
4 investigation, including whether defendant would be testifying for
5 the federal government, who the case agents were, and what abuse
6 incidents the federal government was investigating; (b) informing
7 Brown that they would be moving him out of Men's Central Jail; and
8 (c) attempting to convince Brown to cooperate with them and not with
9 the federal government.

10 Defendant Tanaka's co-conspirators also recorded their
11 encounters with Deputies Michel, Courson, and others. In those
12 recorded interviews the co-conspirators attempted to further the
13 conspiracy by tampering with the witnesses and attempting to convince
14 them not to cooperate with the federal investigation. Additionally,
15 Craig and Long recorded their threatened arrest of Special Agent Leah
16 Marx. Finally, Craig and Long also recorded their telephone
17 conversations with Special Agent Marx's supervisor in which they
18 again threatened her arrest.

19 **2. Emails and Other LASD Documents**

20 The parties have reached a stipulation on LASD emails. Once in
21 evidence, the government plans on having other witnesses read
22 portions of the emails and other documents to the jury so that they
23 may be seen in more of a chronological fashion and therefore may be
24 understood better.

25 **F. Authentication and Identification**

26 **1. Authentication Generally**

27 The government will seek to introduce documents and other
28 tangible exhibits at trial. The proponent of evidence need not

1 establish a proper foundation through personal knowledge; a proper
2 foundation "can rest on any manner permitted by Federal Rule of
3 Evidence 901(b) or 902." See United States v. Pang, 362 F.3d 1187,
4 1193 (9th Cir. 2004).

5 The government need make only a prima facie showing of
6 authenticity. See United States v. Chu Kong Yin, 935 F.2d 990, 996
7 (9th Cir. 1991). In passing on the authentication of evidence, the
8 trial judge is simply called to decide whether "sufficient proof has
9 been introduced so that a reasonable juror could find in favor of
10 authenticity or identification." Id. The credibility or probative
11 force of the evidence offered is, ultimately, an issue for the jury.
12 See United States v. Black, 767 F.2d 1334, 1342 (9th Cir. 1985)
13 (citing 5 J. Weinstein & M. Berger, Weinstein's Evidence, §
14 901(a)(1), at 901-17 (1983)).

15 2. Originals and Duplicates

16 A duplicate is admissible to the same extent as an original
17 unless (1) a genuine question is raised as to the authenticity of the
18 original, or (2) under the circumstances, it would be unfair to admit
19 the duplicate instead of the original. See Fed. R. Evid. 1003;
20 United States v. Smith, 893 F.2d 1573, 1579 (9th Cir. 1990).

21 3. Charts and Summaries

22 A chart or summary may be admitted as evidence where the
23 proponent establishes that the underlying documents are voluminous,
24 admissible and available for inspection. See United States v.
25 Meyers, 847 F.2d 1408, 1411-12 (9th Cir. 1988); see also United
26 States v. Gardner, 611 F.2d 770, 776 (9th Cir. 1980) (chart used as
27 testimonial aid admitted).
28

1 **G. Defendant's Expert Disclosure**

2 Defendant has provided the government with notice that he
3 intends to call a witness, LASD Detective Mark Lillienfeld, to
4 testify regarding: (1) cell phones being more dangerous than guns
5 inside county jails; (2) inmate movement at MCJ and other topics
6 covered in Thompson. The government has no objection to Lillienfeld
7 testifying as an expert in these subject matters.

8 **VI. CONCLUSION**

9 The government expects to prove beyond a reasonable doubt that
10 defendant conspired to obstruct justice and obstructed justice. It
11 will file other briefing at the Court's request.

12
13 Dated: March 16, 2016

Respectfully submitted,

14 EILEEN M. DECKER
15 United States Attorney

16 LAWRENCE S. MIDDLETON
17 Assistant United States Attorney
Chief, Criminal Division

18
19 /s/ Brandon D. Fox
BRANDON D. FOX
20 LIZABETH A. RHODES
EDDIE A. JAUREGUI
21 Assistant United States Attorneys

22 Attorneys for Plaintiff
UNITED STATES OF AMERICA
23
24
25
26
27
28